REMARKS

Reconsideration of the application is respectfully requested.

The Examiner has rejected claims 18-46 as obvious over U.S. Patent No. 5,360,656 to Rexfelt ("Rexfelt").

Claims 18-26, 30-31 and 35-46 of the present application provide for spiral wound strips of nonwoven mesh fabric wherein each turn of the nonwoven mesh is in a non-overlapping abutting relationship with the next.

Although Rexfelt provides for spirally forming a fabric, the strips of material making up the fabric are not nonwoven mesh, but rather are said to be preferably flat woven strips. The Examiner asserts, nevertheless, that it would be obvious to substitute a nonwoven mesh for the flat woven strips of Rexfelt. Applicants submit, however, that nowhere in Rexfelt is there any teaching that would lead a skilled artisan to utilize, in particular, a nonwoven mesh, to spirally form a fabric.

Initially, it is noted that Rexfelt teaches a press fabric made of, specifically, spirally wound strips of woven material. Claims 27-29 and 32-34 of the present application, on the other hand, do not teach spirally wound strips, but instead teach a fabric comprising "a plurality of endless loops of equivalent preselected length of a nonwoven mesh fabric" (see, for example, claim 27). Therefore, regardless of whether woven and nonwoven are obviously substitutable, claims 27-28 and 32-34 are clearly distinct from, and therefore patentable, on their own merits over Rexfelt.

Turning now to the rejection of claims 18-26, 30-31 and 35-46, there are several reasons why it would not be obvious to substitute a nonwoven mesh for the woven strip

of Rexfelt. First, Rexfelt clearly points out, at col. 2, lines 36-66, what must be done at the edge joints of woven strips of material to get an acceptable joint. The present application, on the other hand, is silent as to preparation of these abutting edge areas of the nonwoven meshes except for the generic "sewing, melting and welding."

Second, the present application refers to U.S. Patent No. 4,427,734 ("Johnson") for examples of nonwoven meshes, adequately defined therein at lines 57-64 of column 1. Johnson clearly denotes that nonwoven meshes are different from woven bases. First, they are structurally different. Second, the properties of nonwovens, for example, permeability, and stiffness under compressive load, can be and often are, different from woven bases. If woven bases and nonwoven meshes were the same and obviously interchangeable, then why didn't Johnson merely teach using all woven bases in all the layers of his inventive structure?

As is known, at the time of Johnson, the nonwoven meshes as taught were not available in widths greater than a maximum of 140 inches (approximately 3.5M), and this width limitation still exists today. This limited the application of Johnson to press fabrics no wider than 140 inches, since there were no thoughts at that time as to binding or joining adjacent strips of these materials together to make a wider structure. It was this need, amongst others, that inspired Applicants to develop the present invention.

For instance, it is known that certain knit fabrics are more compressible/resilient under load than a woven fabric. Thus, given the structure of a knit, none of the edge preparation method in Rexfelt can be performed. Instead, only abutting of the edges is feasible. So there is only a point of contact bonding with the knit. Therefore, until this

was tried by Applicants, and suitable edge fixing methods developed, there was nothing in Rexfelt to guarantee that an adequate seam would be made. Therefore, based on this example alone, it would also not be obvious to one skilled in the art to look to Rexfelt for a solution to the above described need.

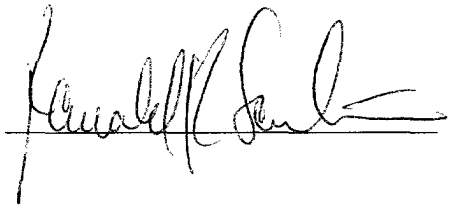
As a third point, it is noted that there are many patents dealing with nonwoven structures as being different from their woven counterparts in paper machine clothing ("PMC"). In light of this precedent, it would be absurd to suggest the obviousness of substituting, for example, a spiral link belt for its woven counterpart. This is evidenced by the many spiral link patents in existence.

In further support of the above arguments, it is well-settled that there must be some prior art teaching which would have provided the necessary incentive or motivation for modifying the reference teachings. *See In re Laskowski*, 12 U.S.P.Q. 2d 1397, 1399 (Fed. Cir. 1989); *see also In re Obukowitz*, 27 U.S.P.Q. 2d 1063 (B.P.A.I. 1993). Further, "obvious to try" is not the standard under 35 U.S.C. §103. *See In re Fine,* 5 U.S.P.Q. 2d 1596, 1599 (Fed. Cir. 1988). And as stated by the Court in *In re Fritch*, 23 U.S.P.Q. 2d 1780, 1783-1784 (Fed. Cir. 1992): "The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggests the desirability of the modification." Also, the Examiner is respectfully reminded that for the Section 103 rejection to be proper, both the suggestion of the claimed invention and the expectation of success must be founded in the prior art, and not Applicant's disclosure. *See In re Dow*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988).

In view of the foregoing, it is respectfully submitted that claims 18-46 are patentably distinct from the art cited and a notice of allowance is earnestly solicited.

The Commissioner is authorized to charge any additional fees that may be required to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By: 

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